



Community Planning and Economic Development

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Greg Mathis
Minnesota Department of Transportation- Cultural Resources Unit
395 John Ireland Boulevard
St. Paul, MN 55155

RE: Southwest Light Rail Transit Project, Hennepin County; Minnesota; Comments on Draft Memorandum of Agreement. (SHPO#2009-0080)

Dear Mr. Mathis,

Thank you for providing the materials included in your February 4, 2016 transmittal. The City of Minneapolis CPED Long Range Planning Division submits the following comments on behalf the Minneapolis HPC, a consulting party to the Section 106 review.

CPED-Long Range Planning has reviewed the draft memorandum of agreement and finds it sufficient. We agree with the process and steps identified for the Archaeological Sites 21HE0436 and 21HE0437.

For the signature page for the Concurring Party for the City of Minneapolis please include Kjersti Monson, Long Range Planning Director for CPED as signatory.

Thank you again for the opportunity comment.

Sincerely,

A handwritten signature in black ink, appearing to read "BS", with a long horizontal line extending to the right.

Brian Schaffer
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cc: Sarah Beimers. MN SHPO (via email)
Jack Byers, CPED-Long Range Planning (via email)



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7 March 2016

Mr. Greg Mathis
Office of Environmental Services, Cultural Resources Unit
Minnesota Department of Transportation
Mail Stop 620
395 John Ireland Boulevard
St. Paul, Minnesota 55155-1899

RE: Southwest Light Rail Transit Project, Hennepin County, Minnesota; Draft
Memorandum of Agreement, SHPO #2009-0080

Dear Mr. Mathis:

The Minneapolis Park & Recreation Board (MPRB) has reviewed the draft Memorandum of Agreement (MOA) as part of its Section 106 consulting party review. The MPRB is pleased to report that we have no substantive comments.

The MPRB understands the MOA does not relieve the Metropolitan Council from pursuing construction permits for its activities related to the Southwest Light Rail project on MPRB properties for the purposes of investigations or construction of improvements or otherwise relieve the Metropolitan Council of any of its obligations under the Memorandum of Understanding between the Metropolitan Council and the MPRB related to the crossing of the Kenilworth Channel.

I will be recommending to the Board of Commissioners that the MOA be approved. We look forward to collaborating with the Minnesota Historic Preservation Office to fulfill the terms of the MOA.

Thank you for the opportunity to offer these comments. Please let me know if you have any questions.

Sincerely,

Michael Schroeder, Assistant Superintendent for Planning
Minneapolis Park & Recreation Board

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April 12, 2016

Mr. Kenneth Westlake
Chief, NEPA Implementation Section
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

**Re: EPA Comments on the Draft Environmental Impact Statement, Supplemental
Draft Environmental Impact Statement, and Amended Draft Section 4(f) Evaluation
Southwest Light Rail Transit Project, Hennepin County, Minnesota**

Dear Mr. Westlake:

Thank you for the U.S. Environmental Protection Agency's (USEPA) letter dated December 27, 2012, commenting on the Southwest Transitway *Draft Environmental Impact Statement* (Draft EIS), published in October 2012 by the Federal Transit Administration (FTA), the Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council (Council), and your letter dated July 16, 2015 commenting on the Southwest Light Rail Transit (LRT) Supplemental Draft EIS published by FTA and the Council in May 2015.

This response letter is intended to provide information in response to the recommendations made by EPA on the Draft EIS (DEIS) and Supplemental Draft EIS (SDEIS), as well as the Amended Draft Section 4(f) Evaluation. FTA plans to address these recommendations in the Final EIS and during advanced engineering and construction of the Southwest LRT (METRO Green Line Extension) Project (Project). This response letter is not intended to be the official response to your comments required by 23 C.F.R. § 771.119(g) and under 23 C.F.R. § 774, but rather an effort to clarify what issues need to be addressed in response to satisfy EPA's outstanding concerns that will then be incorporated into the formal response in the administrative record.

A few points of clarification should be made prior to addressing the recommendations in the EPA's comment letters. First, FTA will issue a FEIS separate from the Record of Decision (ROD). The EPA correctly noted this was an option in the SDEIS, however since its publication, the FTA has decided to issue the ROD after the waiting period for the FEIS. The FTA and the Council are available to meet regarding EPA's comments prior to publication of the FEIS if you would like to discuss any issues in greater detail. Second, the Council is the local lead agency for the Project whereas the Minnesota Department of Transportation (MnDOT) is a participating agency and strategic partner for the Project. Responses to EPA recommendations that identify MnDOT as the local lead agency have been responded to by the Council, in conjunction with FTA as the lead federal agency.

Response to EPA Recommendations

The following responses provide context and clarification on the EPA's recommendations regarding the DEIS, SDEIS, and Amended Draft Section 4(f) Evaluation. The text of each recommendation is followed by a summary of the ways in which the issue has been addressed in the SDEIS, or is planned to be addressed in the forthcoming FEIS and/or Final Section 4(f) Evaluation.

Recommendations have been categorized according to EPA's comment letters, and numbered to facilitate review of the material.

COMMENTS ON THE OCTOBER 2012 DRAFT EIS

As you know, the FTA and Council published a SDEIS in May 2015 to evaluate potential new impacts based on design adjustments proposed for light rail and freight rail. FTA addressed many of EPA's comments on the DEIS in the SEEIS; these instances are documented below or discusses how these recommendations will be addressed in the FEIS, if not directly addressed in the SDEIS.

Purpose and Need

EPA Recommendation

1. EPA recommends the FEIS should describe the needs to be met and then list the project purposes to meet those needs with a clear set of statements that succinctly define the Project Purpose and Need.

FTA Response: Chapter 1 of the FEIS will reflect the edits requested by EPA for the Purpose and Need.

In particular, the Project's Need is clearly stated at the start of the Chapter 1 of the FEIS. Four primary need factors are indicated for the Southwest LRT Project as follows: (1) declining mobility; (2) limited competitive, reliable transit options for choice riders and people who rely on public transportation, including reverse-commute riders; (3) need to maintain a balanced and economically competitive multimodal freight system; and (4) regional/local plans calling for investment in additional light rail transit projects in the region (this last Need was not included in the DEIS, but was added to reflect the regional and local plans that call directly or indirectly for the Project).

Following the Need Statement, Chapter 1 of the FEIS will include the Project's Purpose that is stated in a manner that clearly identifies it as follows:

- Improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers.
- Provide a competitive, cost-effective travel option that will attract choice riders to the transit system and provide reliable travel time.
- Be part of the region's system of transitways integrated to support regional transportation efficiency.

Alternatives

EPA Recommendations

2. EPA recommends the AA reasoning should be summarized in the FEIS to make these decisions comprehensible, particularly referencing Table 2.1-2 of the DEIS that indicates that a particular goal is met by a given alternative, but does not offer a clear explanation of how that determination was made. For example, if an alternative does not meet local or regional planning,

please explain where that alternative is in conflict with those plans, thus providing an understandable decision rationale.

FTA Response: Section 2.2 of the FEIS will describe the Project's Alternatives Analysis (AA), which included three related steps. First, was the AA itself and the evaluation and screening of various alternatives. Second was the initiation of Scoping for the Project's EIS, which started off with the alternatives that emerged from the AA. Third, the Project's Locally Preferred Alternative (LPA) was identified and incorporated into the Transportation Policy Plan (TPP), based on a public review process and further evaluation of the alternatives that emerged from the AA.

In response to this comment, the FEIS will include additional information from the AA Report that was referred to but not included in the DEIS. While Table 2.1-2 has been retained in the FEIS, additional information will be included in Chapter 2, Alternatives Considered, and Appendix F, Development and Evaluation of Design Adjustments, of the FEIS that describes the goals and evaluation measures that were used during the AA to evaluate and screen alternatives. To document in detail the evaluation measures developed for the alternatives considered during the two-step AA process, a copy of Chapter 7, Evaluation, from the AA Report is included within Appendix F of the FEIS. Chapter 7 of the AA Report provides a high level of detail on the results of the AA analysis, documenting the evaluation measures for the 11 alternatives that were under consideration at the time, and the methods that were used to prepare those evaluation measures. Appendix F of the FEIS provides additional detail on how an alternative was determined to be either consistent or not consistent with local and regional plans.

3. EPA recommends the FEIS evaluate this modification (LRT extend along HCRRA right-of-way from Shady Oak Station to Route 61 and turn south along Route 61, to avoid impacts to large wetland complex between Shady Oak Station and Opus Station) to the Preferred Alternative and discuss any other alternatives that could avoid this wetland complex.

FTA Response: The Route 61 (Shady Oak Road) Alternative was evaluated as part of the 2003 Southwest Rail Transit Study. The alternative was not recommended for further study due to relatively high capital and right-of-way costs; additional right-of-way requirements along Shady Oak Road, and significant traffic impacts on Shady Oak Road due to lane use for LRT and access modifications (right in/ right out). Prior to the issuance of a CWA 404 permit, the Council will provide the USACE with an addendum to the CWA 404 application that includes a discussion of the Route 61 avoidance alternative, as well as a summary of the additional wetland impact avoidance and minimization measures that have been implemented since the initial submittal of the CWA 404 application in November 2015. The CWA 404 application is included in Appendix D, List of Referenced Documents, of the FEIS.

Although the current design alternative does not avoid the wetland complex between Shady Oak Station and Opus Stations (Wetland ID MTA-MTA-11) the Council has worked closely with the U.S. Army Corps of Engineers and Local Government Units to minimize impacts to this wetland through the Project's avoidance, minimization and mitigation process under the CWA 404(b). Some of the measures implemented during this process include elevating the alignment to significantly reduce permanent wetland impact, removing a permanent access road from the design after finding alternate methods of bridge inspection and first responder access, and developing a long term restoration plan to ensure that the temporary impacts associated with the bridge construction do not permanently affect the wetland's existing functions. Additional details regarding the Project's avoidance and minimization measures will be included in the Water Resources section of the FEIS, as well as in the CWA Section 404 permit application, which will be included in Appendix D of the FEIS.

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4. EPA recommends the FEIS be revised to include information on the existing freight rail infrastructure, the freight rail proposal, and how the proposal meets the purpose and need.

FTA Response: As the design of the Project has advanced, several design adjustments were made to the Project since the completion of the DEIS (see Section 2.3 of the SDEIS - Design Adjustments Considered Following the Draft Environmental Impact Statement). These design adjustments included potential modifications to freight rail including maintaining the location where freight trains currently operate along the Bass Lake Spur and Kenilworth Corridor. In April 2014 the Council identified the freight rail co-location alignment and the Shallow LRT Tunnel – Over Kenilworth Lagoon as part of the LPA. This resulted in a change from the environmentally preferred alternative of LRT 3A identified in the DEIS, which proposed rerouting TC&W freight trains currently operating along the Kenilworth Corridor to the MN&S Spur and Wayzata Subdivisions, to LRT 3A-1, which has the same LRT alignment as LRT 3A, but maintains the current location of freight rail instead of relocating it.

LRT 3A-1, includes adjustments to the existing freight rail infrastructure to provide for continuation of freight rail operations within the Kenilworth Corridor, which is not expected to impact freight rail facilities or long-term operations. The freight rail modifications include: shifting freight rail tracks approximately 40 feet north of its current alignment between Cedar Lake Parkway and the Burnham Road overpass; removing a portion of the Skunk Hollow switching wye and replacing with a new connection between the Bass Lake Spur and the MN&S Spur to allow for continued access between these tracks. These modifications will not alter operations or establish new freight service. The Project will not change freight connections to the St. Paul Rail Yard, and does not impact freight congestion.

There are no Project impacts to the Minnesota Commercial Railroad or the St. Paul Rail Yard. The St. Paul Rail Yard is not in the Southwest LRT corridor and the Minnesota Commercial Railroad does not interface with the Project. The freight railroad companies that will be co-located with the Project are the Canadian Pacific Railway, Twin Cities and Western, and BNSF Railway. The SDEIS followed EPA's recommendation to include exhibits illustrating existing freight rail system within the area, including owners and operators (see Exhibit 1 below). Proposed adjustments were also included in Exhibit 2.5-4 of the SDEIS (see Exhibit 2 below). This information will also be included in the FEIS.

Exhibit 1. Existing Freight Rail Operations

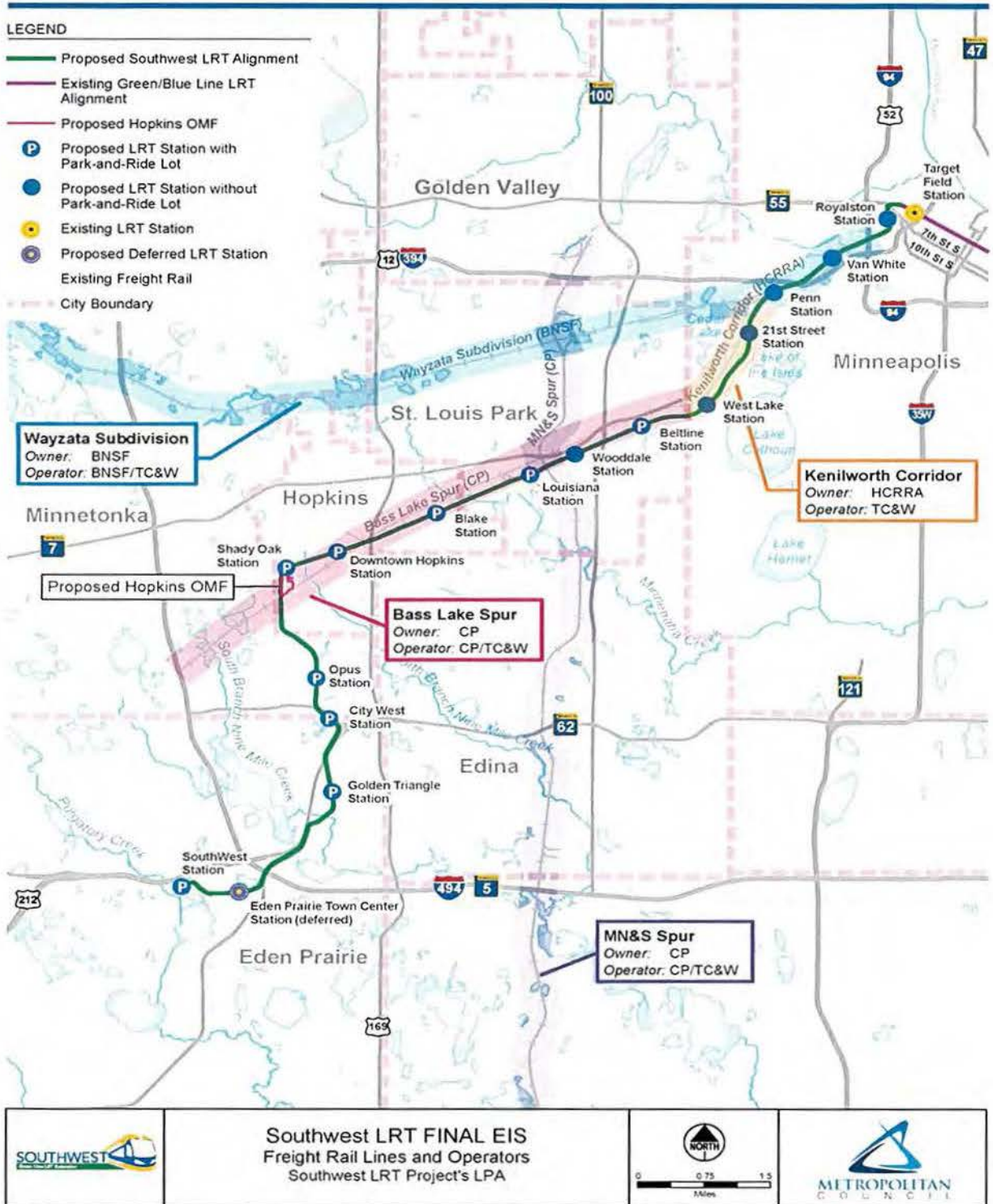


Exhibit 2. Project Overview of St. Louis Park/Minneapolis Segment



5. EPA recommends the FEIS clarify the impacts associated with the alternative site locations for the OMF, including how impacts will be considered in the OMF site selection and how those impacts will be addressed.

FTA response: Following the conclusion of the DEIS public comment period in December 2012, the Council implemented a process of developing design adjustments to the Project, including an OMF site evaluation process. The Council used a detailed evaluation process with increasingly detailed evaluation criteria to narrow the OMF alternative sites. That extensive OMF site identification process was described in detail in Section 2.3.2 and Appendix F of the SDEIS and it will be similarly described in Section 2.2 and Appendix F of the FEIS. In summary, the OMF site selection process implemented after publication of the DEIS identified approximately 30 potential sites (including the four alternative sites included in the DEIS). The process narrowed the 30 sites to 18 potential sites using a range of evaluation criteria, including site size, roadway access, land use compatibility, and connection to the LRT alignment. Further evaluation of OMF sites utilized 13 criteria to narrow the number of potential sites to the seven with the least impact. The criteria included: consideration of environmental impacts, cultural resources, stormwater management, and neighborhood compatibility using qualitative ratings, as well as operational characteristics. Those seven sites were further evaluated based on factors such as environmental impacts, preliminary costing, and land using planning and zoning, as well as being presented at three public open houses. Through this data and public input, the Project

identified two sites with the least impact for further detailed evaluation. The Council evaluated the remaining two sites (Site 3/4 in Eden Prairie and site 9A in Hopkins) in greater detail. The Eden Prairie site was dismissed due, in part, to noise, vibration, and wetland impacts.

The key advantages of the proposed Hopkins OMF site are its compatible location, cost, and operating efficiencies. The proposed Hopkins OMF site is within an existing office, warehouse, and light manufacturing development and occupies an approximately 15-acre site between the Bass Lake Spur to the south, 5th Street South (K-Tel Drive) to the north, 15th Avenue South on the east, and the proposed LRT mainline alignment associated with the LPA to the west. The Hopkins OMF will be located approximately 1,000 feet south of the proposed Shady Oak LRT Station and close to the proposed LRT mainline alignment associated with the LPA, about midway between downtown Minneapolis and Eden Prairie. The Hopkins OMF was fully evaluated in the SDEIS and is also fully evaluated in the FEIS as a part of the Project.

Environmental Impacts

EPA Recommendations

Aquatic Resources

6. EPA recommends the FEIS should be modified to include the following information: a discussion of stream impacts associated with each Segment/Alternative; a robust discussion about how sequencing established by the Clean Water Act Section 404(b)(1) guidelines has been applied, namely, avoidance first, then demonstration of impact minimization, then mitigation for unavoidable, minimized impacts; a discussion on proposed mitigation for unavoidable, minimized stream impacts.

FTA Response: As part of the ongoing NEPA process, the Project implemented a NEPA/404 merger process, which included the following four sequential concurrence points at key milestones: (1) Project Purpose and Need; (2) Array of Alternative and Alternatives Carried Forward; (3) Identification of the Selected Alternative; and (4) Design Phase Impact Minimization. As part of this process, the Project worked with the U.S. Army Corps of Engineers to avoid, minimize and mitigate impacts on wetlands and streams. As of October 14, 2015, the USACE provided preliminary concurrence that the Project successfully met each of these milestones.

The Project will result in some long-term and short-term impacts to streams that are regulated under Section 404 of the CWA, but have avoided all stream impacts that would require mitigation (see tables below). The current design alternative would result in permanent impact to one channel (MC-MPL-13 or Kenilworth Channel) that is regulated as a “waters of the U.S.” under Section 404 of the CWA, but the USACE has indicated that this impact will not require mitigation because the design will not alter the cross-section or hydrological characteristics, or obstruct flow patterns within the channel. This will be discussed in the Water Resources section of the FEIS, as well as stream impacts that are regulated under Section 404 of the CWA. Additional details regarding this impact are also included in the CWA Section 404 permit application, which will be included in Appendix D of the FEIS.

Table 1. Long-term Direct Wetland Impacts (Including Streams and Wetlands) by Resource Type

Resource I.D.	Resource Size (acres)	WCA Regulated Long-term Direct Impact ^a (square feet)	CWA Regulated Long-term Direct Impact ^b (square feet)	Resource Type ^c
DOT-EP-07	0.01	0 ^d	381	Type 2 (fresh wet meadow)
DOT-EP-09	0.70	0 ^d	20,274	Type 3 (shallow marsh)

Resource I.D.	Resource Size (acres)	WCA Regulated Long-term Direct Impact ^a (square feet)	CWA Regulated Long-term Direct Impact ^b (square feet)	Resource Type ^c
DOT-EP-17	2.21	203	203	Type 2/5 (fresh wet meadow/shallow open water)
DOT-EP-18	0.10	0 ^d	915	Type 3 (shallow marsh)
DOT-EP-23	0.05	0 ^d	203	Type 1 (seasonally flooded basin)
DOT-EP-24	0.02	0 ^d	93	Type 1 (seasonally flooded basin)
EP-EP-22	0.20	3,316	3,316	Type 3 (shallow marsh)
EP-EP-24 ^e	0.38	16,617	16,617	Type 5 (shallow open water)
NM-EP-06	4.02	14,296	14,296	Type 3/6 (shallow marsh/scrub carr)
NM-EP-10	0.13	5,603	0	Type 3 (shallow marsh)
NM-EP-12	3.40	1,879	1,879	Type 3/6 (shallow marsh/scrub carr)
NM-HOP-13	2.67	16,435	16,435	Type 1/3/5/6 (seasonally flooded basin/shallow marsh/shallow open water/scrub carr)
MTA-MTA-03	0.01	644	0 ^d	Type 1 (seasonally flooded basin)
MTA-MTA-04	0.16	6,832	0 ^d	Type 1 (seasonally flooded basin)
MTA-MTA-06	0.01	0 ^d	343	Type 1 (seasonally flooded basin)
MTA-MTA-07 ^{e,f}	0.18	2,086	2,086	Type 3 (shallow marsh)
MTA-MTA-09 ^e	36.20	707	707	Type 3 (shallow marsh)
MTA-MTA-11	11.79	136,160	1,864	Type 2/3/5 6/7 (fresh wet meadow/shallow marsh/shallow open water/scrub carr/hardwood swamp)
MTA-MTA-12	2.70	141	141	Type 5 (shallow open water)
Wetland Subtotal	64.94	204,919	79,753	
MC-MPL-13 ^{e,g} (Kenilworth Channel)	N/A	0 ^d	129 (20 linear feet)	Type 90 (channel)
Stream Subtotal	N/A	0 ^d	129 (20 linear feet)	
Total	64.94	204,919 (4.70 acres)	79,882 (1.83 acres)	

^a Impacts to WCA regulated wetlands that will not be fully restored within six months.

^b Impacts to CWA regulated wetlands that will not be fully restored.

^c Based on wetland types defined in USFWS Circular 39 System (Shaw and Fredine, 1956).

^d Impact quantity is zero because the resource is not regulated by the applicable law listed in the column heading.

^e Resource is associated with a public watercourse or public water wetland.

^f Impact is partially due to an access road associated with a TPSS station. See Sheet 7 of the Preliminary Engineering Plans located in Appendix E for a detailed view of the wetland impact in relation to the TPSS layout.

^g Resource is a stream and is associated with a state listed 303(d) impaired waterbody, as identified in Table 3. "Resource Size" is not applicable (N/A) for linear features.

Note: Quantities are based on the Project's preliminary engineering plans. The final impact quantities will be included in an addendum to the CWA Section 404 permit application and the state/local wetland permit applications.

Table 2. Short-term Wetland Impacts (Including Streams and Wetlands) by Resource Type

Resource ID	Resource Size (acres)	WCA Regulated Short-term Impact ^a (square feet)	CWA Regulated Short-term Impact ^b (square feet)	Resource Type ^c
DOT-EP-08	0.84	0 ^d	11,219	Type 3 (shallow marsh)
DOT-EP-09	0.70	0 ^d	9,885	Type 3 (shallow marsh)
DOT-EP-17	2.21	15,969	15,969	Type 2/5 (fresh wet meadow/shallow open water)

Resource ID	Resource Size (acres)	WCA Regulated Short-term Impact ^a (square feet)	CWA Regulated Short-term Impact ^b (square feet)	Resource Type ^c
NM-EP-01	1.81	18,221	18,221	Type 5/6 (shallow open water/scrub carr)
NM-EP-02 ^e (South Fork of Nine Mile Creek)	6.22	2,052	2,052	Type 3/6 (shallow marsh/scrub carr wetland)
NM-EP-03 ^e (South Fork of Nine Mile Creek)	2.16	899	899	Type 3 (shallow marsh)
NM-EP-04	1.18	1,727	1,727	Type 7 (hardwood swamp)
NM-EP-06	4.02	6,606	6,606	Type 3/6 (shallow marsh/scrub carr)
NM-EP-08	2.25	40,237	40,237	Type 3/6 (shallow marsh/scrub carr)
NM-EP-09	0.66	8,339	8,339	Type 3 (shallow marsh)
NM-HOP-13	2.67	40,098	40,098	Type 1/3/5/6 (seasonally flooded basin/shallow marsh/shallow open water/scrub carr)
MTA-MTA-07 ^{e,f}	0.18	5,595	5,595	Type 3 (shallow marsh)
MTA-MTA-08 ^e	0.34	3,145	3,145	Type 3 (shallow marsh)
MTA-MTA-09 ^e	36.20	797	797	Type 3 (shallow marsh)
MTA-MTA-11	11.79	0 ^d	134,296	Type 2/3/5 6/7 (fresh wet meadow/shallow marsh/shallow open water/scrub carr/hardwood swamp)
MTA-MTA-12	2.70	23,066	23,066	Type 5 (shallow open water)
Wetland Subtotal	75.93	166,751	322,151	
NM-HOP-16 ^{e,g} (North Fork of Nine Mile Creek)	N/A	0 ^d	594 (60 linear feet)	Type 90 (channel)
MC-MPL-13 ^{e,g} (Kenilworth Channel)	N/A	0 ^d	5,244 (100 linear feet)	Type 90 (channel)
Stream Subtotal	N/A	0^d	5,838 (160 linear feet)	
Total	75.93	166,751 (3.83 acres)	327,989 (7.53 acres)	

^a Impacts to WCA regulated wetlands that will be fully restored within six months.

^b Impacts to CWA regulated wetlands that will be fully restored.

^c USFWS Circular 39 System (Shaw and Fredine, 1956).

^d Impact quantity is zero because the resource is not regulated by the applicable law listed in the column heading.

^e Resource is associated with a public watercourse or public water wetland.

^f Impact is partially due to an access road associated with a proposed TPSS station. See Sheet 7 of the Preliminary Engineering Plans located in Appendix E for a detailed view of the TPSS layout and the associated wetland impact.

^g Resource is a stream and is associated with a state listed 303(d) impaired waterbody, as identified in Table 3. "Resource Size" is not applicable (N/A) for linear features.

Note: Quantities are based on the Project's preliminary engineering plans. The final impact quantities will be included in an addendum to the CWA Section 404 permit application and the state/local wetland permit applications.

7. EPA recommends the FEIS should provide information on the location and number of stream crossings, whether or not the water body is a 303(d)-listed water body or upstream of a 303(d) listed water body, and describe how the Project could potentially affect each listed water body (with regard to specific listed impairments).

FTA Response: The SDEIS identified stream crossings for the segments evaluated. The Water Resources section of the FEIS will contain a discussion of the location and number of stream crossings. This section also will provide 303(d) designations for the water bodies identified within the defined surface water study area (see table below). Additional details regarding the Project's potential to affect the listed water bodies will be specified in the *Water Quality Technical Report*, which will be included in Appendix C, List of Supporting Documents, in the FEIS.

TABLE 3
Surface Water Bodies within the Surface Waters Study Area

Water Body	TMDLs (Implementation Date)
Purgatory Creek and Reservoir ^a	None ^b
Lake Idlewild ^a	None ^b
Lake Smetana ^a	Mercury in Fish Tissue (2008)
Bryant Lake ^a	Mercury in Fish Tissue (2008) Nutrient/Eutrophication Biological Indicators (2018)
Nine Mile Creek ^a	Chloride (2010) Fish Bioassessments (2028) Impaired Biota (TBD) Turbidity (TBD)
Minnehaha Creek ^a	Aquatic Macroinvertebrate Bioassessments (2024) Chloride (2015) Fecal Coliform (to be determined [TBD]) Fish Bioassessments (2024) Dissolved Oxygen (2024)
Bass Lake ^a	Mercury in Fish Tissue (2008) Excess Nutrients (2009) Nutrient/Eutrophication Biological Indicators (2017)
Lake Calhoun ^a	Mercury In Fish Tissue (2025) PFOS in Fish Tissue (2022)
Twin Lake ^a	Excess Nutrients (2007) Nutrient/Eutrophication Biological Indicators (2017)
Cedar Lake ^a	Mercury in Fish Tissue (2008, 2025) Excess Nutrients (2012) Nutrient/Eutrophication Biological Indicators (2016)
Kenilworth Lagoon ^{a,c}	Mercury in Fish Tissue (2008) PFOS in Fish Tissue (2022)
Lake of the Isles ^a	Mercury in Fish Tissue (2008) PFOS in Fish Tissue (2022)
Bassett Creek ^a	Chloride (2015) Fecal Coliform (2015) Fish Bioassessments (2016)
Mississippi River ^d (downstream of Bassett Creek)	Mercury in Fish Tissue (2008) Fecal Coliform (2024) PCB in Fish Tissue (2025)

^a Beneficial Use Classes include 2B, 3C, 4A, 4B, 5, and 6, as defined in Minnesota Administrative Rules Section 7050.0470.

^b The 2014 CWA 303(d) list does not include any impairments or TMDLs for this water body.

^c The Kenilworth Lagoon is an unnamed creek that extends from the eastern portion of Cedar Lake to the Lake of the Isles Parkway West bridge. The Kenilworth Lagoon is considered impaired, and has been assigned the TMDLs associated with the Lake of the Isles, because the defined extent of the Kenilworth Lagoon overlays a portion of the PWI boundary for the Lake of the Isles.

^d Beneficial Use Classes include 1C, 2Bd, and 3C, as defined in Minnesota Administrative Rules Section 7050.0470.

PCB = polychlorinated biphenyl; PFOS = perfluorooctane sulfonate; TBD = to be determined; TMDL = total maximum daily load

Sources: MPCA, 2014a; MPCA, 2014b; and MPCA, 2014c.

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8. EPA recommends the FEIS provide additional information on the Nine Mile Creek Conservation Area, including an inset map showing its boundaries with relation to the preferred alternative corridor, along with discussion of impacts to this area and/or Nine Mile Creek and its tributaries, and proposed mitigation for unavoidable impacts.

FTA Response: The Nine Mile Creek Conservation Area was evaluated in the SDEIS in Section 3.2.1.4, Parklands, Recreation Areas, and Open Spaces, which included an illustration of the boundaries in relation to the alignment. This will also be included in the Parklands, Recreation Areas, and Open Spaces section of the FEIS, including the location and boundaries of the property and a detailed description of the Area. The SDEIS also included a Draft Section 4(f) Evaluation Update, which included an evaluation of the Nine Mile Creek Conservation Area. The proposed LRT alignment will be located along the northwest corner of an isolated parcel of the conservation area, thus avoiding any long-term direct impacts to the park. The isolated parcel of the conservation area is north of Valley View Drive and does not contain any parklands/recreational amenities or improvements, nor does it serve any recreation purpose. The proximity of an elevated segment of the proposed light rail alignment will have a low visual impact on the area, and it reflects a change from the DEIS, which evaluated an at-grade light rail alignment in proximity to this portion of the conservation area. No indirect impacts affect the small isolated parcel of the Nine Mile Creek Conservation Area. There is no public access to the small parcel and there are no views from the parcel. Because the Nine Mile Creek Conservation Area does not primarily function as a recreational resource or wildlife/waterfowl refuge, nor is it officially designated as such by the City of Eden Prairie, FTA has determined Section 4(f) does not apply to this property.

Wetlands, public waters and water quality, and floodplains, including those associated with Nine Mile Creek, will be evaluated in the Water Resources section of the FEIS. The evaluations will include an assessment of existing conditions, an analysis of impacts on surface water resources, and measures to mitigate impacts that have been minimized, but could not be avoided through design adjustments. Two separate portions of the south and north fork of Nine Mile Creek were identified and field delineated within the wetland study area defined in the SDEIS as documented in the Project's *Wetland Investigation Report*². The current design alternative does not result in permanent impact to any portion of Nine Mile Creek or its tributaries, and therefore does not require mitigation. Details regarding the impact avoidance and minimization efforts associated with Nine Mile Creek will be included in the FEIS and were included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS.

Wetlands

9. EPA recommends a wetlands delineation be completed before the FEIS is finalized to correctly assess potential wetland impacts within any corridor alignment. This delineation should be reviewed and verified by the USACE, MPCA, and/or Local Government Units before permitting.

FTA Response: Wetland delineations have been completed for the full alignment. Delineations were performed in three phases and field verified by federal, state, and local regulatory agencies since publication of the DEIS. The first two phases are documented in the *Wetland Investigation Report* and the *2014 Supplemental Wetland Investigation Report*². The third phase of wetland

² Anderson Engineering of Minnesota, LLC, 2014. <http://www.metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Publications-And-Resources/Environmental-Documents/SDEIS/Supporting/Anderson-Engineering-2014.aspx>

delineation is documented in the *2015 Supplemental Wetland Investigation Report*. The three reports will be discussed in the Water Resources section of the FEIS and will be included in Appendix C in the FEIS. The approved USACE jurisdictional determination as well as the WCA Local Government Unit wetland delineation Notices of Approval will be included in Appendix N in the FEIS. The delineated boundaries were utilized by the design team to avoid and minimize wetland impacts to the maximum practicable extent. Unavoidable long-term and short-term impacts were calculated and quantified based on the design and placement of Project elements, as required by federal, state, and local rules. The information gained from the wetland delineations was instrumental in moving the design forward and accurately determining wetland impacts and mitigation requirements. The impact calculations included in the SDEIS will be updated with current calculations and included in the FEIS, based on the current design, including continued efforts to minimize impacts.

10. EPA recommends TPSS stations be sited in upland (non-wetland) locations.

FTA Response: The traction power substation (TPSS) locations depicted in the DEIS had a large siting radius intended to identify general TPSS locations. Since then, advancement of Project design identified specific TPSS locations. The process of this TPSS siting considered the locations of wetlands and other sensitive areas (e.g., historic resources) and avoids these areas. The current design alternative completely avoids the direct placement of a TPSS within a wetland. However, the required access road to the TPSS located near Opus Station will result in a small amount of unavoidable permanent impact to one wetland (Wetland ID MTA-MTA-07). The Preliminary Engineering plan sheet for this location (plan sheet #7, to be included in Appendix E, Preliminary Engineering Plans, of the FEIS) will depict the TPSS and its access road layout at that site. That plan sheet will also include an insert of the delineated MTA-MTA-07 wetland boundary relative to the TPSS site and access road, depicting wetland impacts due to the TPSS access road. The avoidance and minimization measures associated with this wetland impact were included in the CWA Section 404 permit application, and a link to the permit application will be included in Appendix D in the FEIS. All proposed TPSS locations will be listed and illustrated in Appendix E, Preliminary Engineering Plans, in the FEIS.

11. EPA recommends potential aquatic resource impacts for OMF sites be quantified and included in all impact summary tables and impact narratives in the FEIS. Additionally, modified figures (with aerial photo backdrops) should be added that outline the specific boundaries of each parcel under consideration for OMF construction. The FEIS should clearly discuss the reasons for selecting the OMF site that is eventually chosen.

FTA Response: The proposed OMF location has been identified since publication of the DEIS through a detailed selection process, as described in Section 2.3.2 and Appendix F of the SDEIS. Wetland impacts and other environmental factors were considered as part of the site selection process, a discussion of which can be found in Appendix F of the SDEIS and will also be included in Appendix F of the FEIS. Specifically, the Water Resources section of the FEIS will include an analysis of impacts to wetlands, including at the OMF site. Illustrations with aerial photo backdrops for the two finalist sites, Eden Prairie Site 3/4 and Hopkins Site 9A, were included in Appendix F (see Exhibits F-5 through F-7) and Exhibit 2.5-3 in the SDEIS, respectively. The proposed Hopkins OMF location will result in permanent and temporary impacts to one regulated wetland (Wetland ID NM-HOP-13), as depicted in the SDEIS and FEIS (see Exhibits 3 and 4). The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to ensure that impacts to this wetland have been avoided and minimized to the greatest extent practicable, including modifying the design depicted in the SSDEIS to allow for a single interior loop track, and removing a permanent access road that was located

within the wetland. Additional avoidance and minimization measures associated with this location were included in the CWA Section 404 permit application, which will be described in the FEIS and included in Appendix D to the FEIS.

Exhibit 3. Water Resources: Wetlands and Floodplains, Hopkins Operations and Maintenance Facility

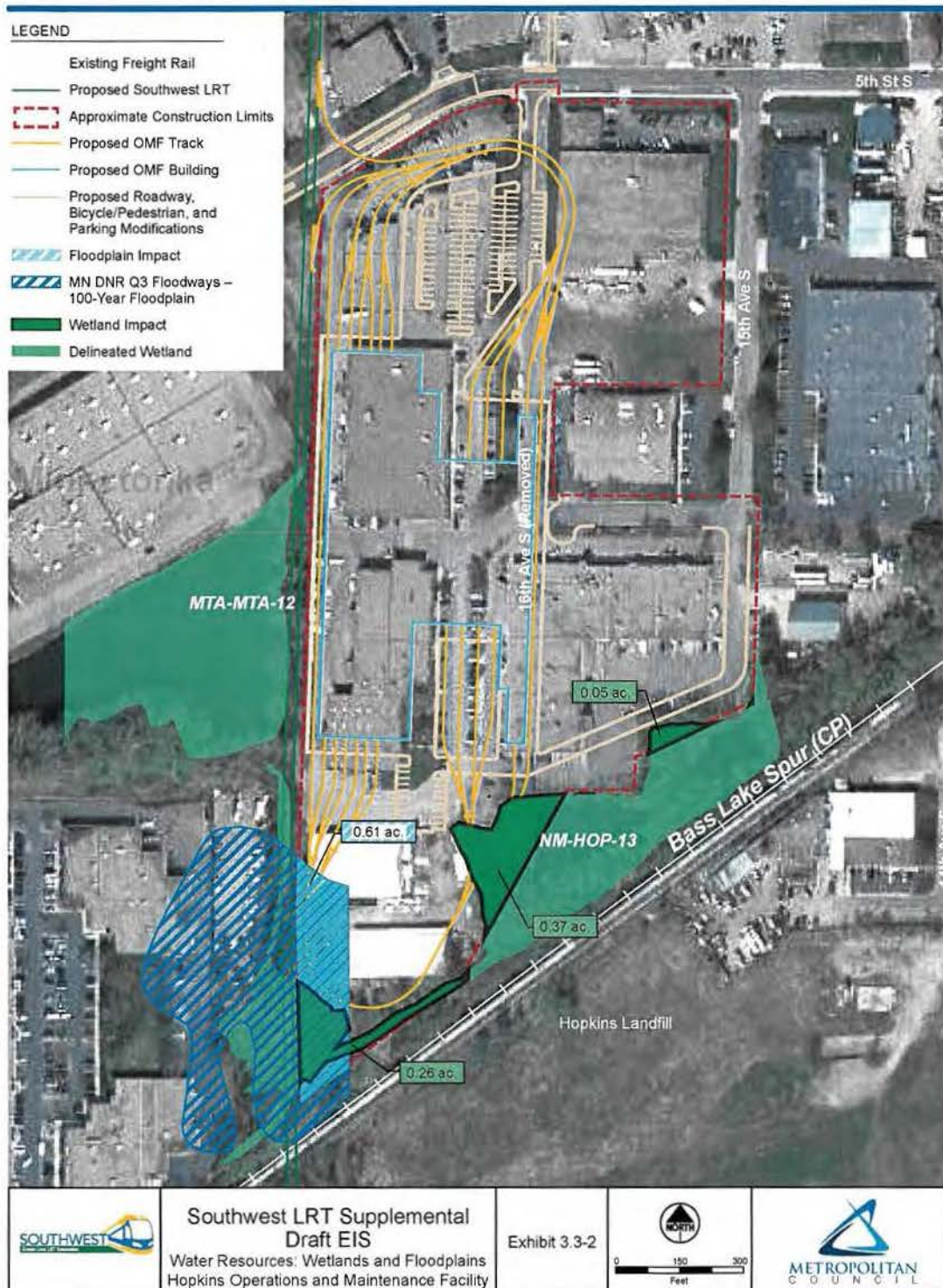
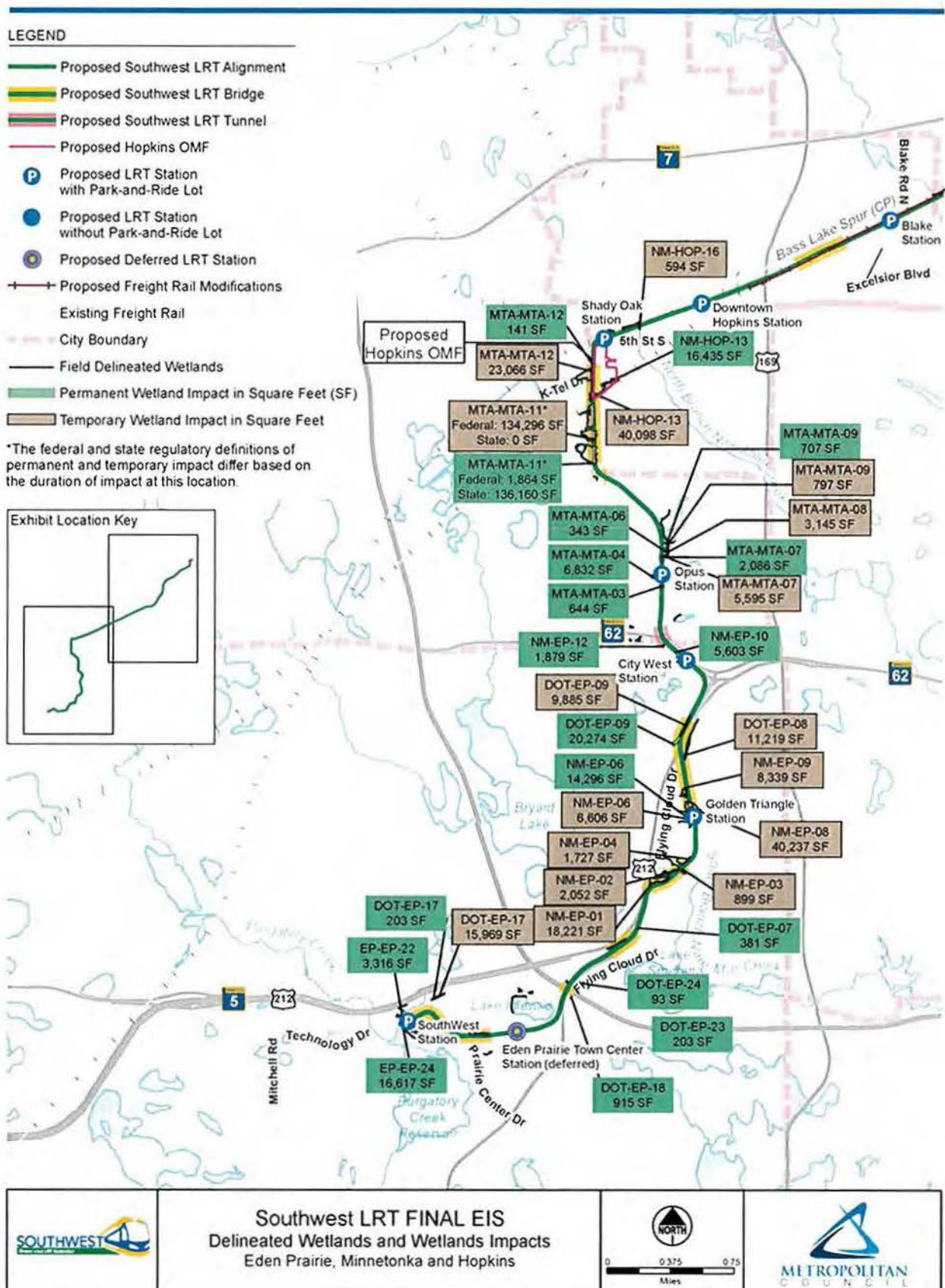


Exhibit 4. Delineated Wetlands and Wetland Impacts within Eden Prairie, Minnetonka and Hopkins



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12. EPA requests that final OMF siting wait until such time that a formal wetland delineation has been completed for all sites under consideration. The CWA Section 404 (b) (1) guidelines should be applied when selecting the OMF site. If Eden Prairie 3 site is determined to have the most wetland impacts, EPA request that this OMF site be removed from further consideration, unless other compelling factors argue for its retention.

FTA Response: Wetland delineations have been completed for the full alignment, including the proposed OMF site in Hopkins, and the impacts were considered as one of several factors as part of the OMF site selection process, as described above. Of the two finalist sites evaluated, the Eden Prairie Site 3/4 had greater wetland impacts compared to Hopkins Site 9A, which among other factors, led to dismissal of the Eden Prairie site. After completion of this delineation, the design of the OMF was modified to further minimize impacts on the wetland located at this site. This process was reviewed with federal, state and local regulatory agencies.

13. EPA recommends the FEIS provide additional information on potential wetland mitigation, including expected mitigation ratios, updates on status of coordination with permitting entities, potential mitigation site, and discussion of mitigation site selection in relation to location of the impact sites, etc. If potential mitigation sites have been identified, EPA requests that a figure with the specific sites outlined (not a generic dot or figure location marker) be provided with the FEIS.

FTA Response: After publication of the DEIS, the Project initiated a Technical Evaluation Panel (TEP) to coordinate with the USACE and Local Government Units on a variety of wetland mitigation options, as discussed in Chapter 9 of the SDEIS. This discussion will also be included in Chapter 9, Public and Agency Coordination, in the FEIS. The TEP first met in July 2013 and has continued to meet throughout 2014 and 2015. After considering all options, the Project and the regulators came to the agreement that purchasing wetland bank credits is the mitigation method that will meet all federal, state, and local mitigation requirements. The mitigation ratios proposed for impacts to waters of the U.S. were included in the CWA Section 404 permit application, which will be included in an appendix to the FEIS.

14. EPA recommends, to the extent possible, wetland impacts follow the sequencing requirements of the 404(b)(1) guidelines. EPA understands that specific design details and construction plans for the Project are still forthcoming. To further minimize unavoidable impacts to wetlands and sensitive aquatic habitats, EPA recommends a list of measures be implemented during construction such as: undertaking construction in wetlands during winter/frozen conditions, minimize widths of temporary access roads/paths, use removable materials for construction of temporary roads/path in lieu of "fill" materials such as stone, riprap or wood chips and seeks commitment to a list of measures during construction.

FTA Response: The Project has followed the sequencing requirements of the 404 (b)(1) guidelines to avoid or minimize wetland impacts to the maximum extent practicable and will develop appropriate plans and obtain applicable permits for wetlands, as well as implement best management practices as approved through final permitting. The EPA recommendations (discussed on pages 9-10 of EPA comment letter) have been incorporated into the Project's design. A discussion on the avoidance, minimization and mitigation process undertaken as part of CWA Section 404(b) and TEP processes will be described in the Water Resources section of the FEIS. It was also included in the CWA Section 404 permit application, which will be included in Appendix D to the FEIS.

Floodplains

15. EPA recommend that the FEIS provide additional information on potential floodplain mitigation, including expected mitigation ratios, updates on status of coordination with permitting entities, potential mitigation sites, etc. If potential mitigation sites have been identified, EPA requests that a figure with the specific sites outlines (not a generic dot or figure location marker) be provided with the FEIS.

FTA Response: Measures to mitigate impacts on floodplains from the Project will be included in the Water Resources section of the FEIS. Impacts to locally regulated floodplains will be mitigated by appropriate compensatory storage within or adjacent to the affected waterbody and summarized in table form in the FEIS. The Project will mitigate floodplain impacts at a minimum of 1:1 ratio per local Watershed District requirements. Final design will include the appropriate compensatory storage required by applicable local agencies. Where it is not feasible to meet this requirement, a variance will be requested from the applicable regulatory agency and the appropriate documentation provided to justify the variance. The Project's 90 percent design plans include the location and proposed grading for the floodplain mitigation sites.

Aquatic Issues Related to Section 4(f) of the Transportation Act

16. EPA recommends the FEIS provide consultation correspondence to and from property owners regarding the potential for impacts to, or adverse effects on, Section 4(f) listed or eligible properties.

FTA Response: FTA updated the Draft Section 4(f) Evaluation included in the DEIS and published it as part of the SDEIS. Upon close of the comment period for SDEIS and the Draft Section 4(f) Evaluation Update, FTA and the Council obtained concurrence from the officials with jurisdiction on those properties identified with preliminary temporary occupancies and *de minimis* determinations. The Draft Section 4(f) Evaluation Update included meeting materials and meeting notes from officials with jurisdiction (see Appendix L, Draft 4(f) Evaluation Update Supporting Documentation). In January 2016, the FTA published an Amended Draft Section 4(f) Evaluation that addressed two newly identified Section 4(f) properties in the City of Minnetonka (Open Space B and the Opus Development Trail Area). Consultation materials from coordination with the City of Minnetonka, the official with jurisdiction for these properties, was included in the amended evaluation. The FEIS will include all consultation correspondence, including meeting materials and letters of concurrence from officials with jurisdiction for the Section 4(f) properties in Appendix I, Section 4(f) Supporting Documentation. The comments received from EPA on the Amended Draft Section 4(f) Evaluation will also be included in Appendix I in the FEIS, and responses to these comments are included at the end of this letter.

Environmental Justice

17. EPA recommends including raw data for both low-income and minority communities for each block group or census tract. Specifically, the FEIS should include the raw population data used to shape the environmental justice analysis, including, but not limited to, numbers of minority or minority groups in each block group, numbers of low-income individuals in each block group, percentage compared to the whole unit for each minority and low-income individual, language spoken in each block group, education level, and age. The FEIS should also clarify whether the definition of minority, for the purposes of this analysis, is an aggregate of all minority races or if one single race was used.

FTA Response: The Project's environmental justice analysis in Chapter 5, Environmental Justice Compliance, of the FEIS will be prepared in compliance with the Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and

Low-Income Populations (February 11, 1994); the U.S. Department of Transportation (USDOT) *Order to Address Environmental Justice in Minority Populations and Low-Income Populations* (USDOT Order 5610.2(a), May 2, 2012); and the Federal Transit Administration (FTA)'s Circular FTA C4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients* (FTA, August 15, 2012).

The analysis will include a review of the methodology used for the environmental justice analysis, including the methodology used to identify low-income and minority populations; identification of environmental justice populations, including data and maps showing the number and location of low income and minority individuals by race/ethnicity; a summary of public outreach to environmental justice populations; an environmental justice analysis documenting the evaluation of disproportionately high and adverse effects to environmental justice populations; and a project-wide finding of environmental justice compliance for the project. Demographic data will be used as one component of identifying environmental justice populations, considering both the presence of individual groups as well as the aggregate minority population.

Where the DEIS used the aggregate, or sum, of all minority groups to determine whether the block group was above the Hennepin County average, the FEIS will report raw minority and low-income data as an aggregate of all minority groups and by individual race. The FEIS will use block and block group data on low-income and minority populations. Block and block group data are also used to develop the exhibits. We believe this analysis addresses your comments and fulfills the environmental justice requirements in compliance with federal regulations.

18. EPA recommends the FEIS should include more details regarding which languages are spoken, where they are spoken, and what outreach has been implemented to ensure non-English speakers have been appropriately included in the decision-making process. Any resultant mitigation should be committed to in the ROD.

FTA Response: The Project regularly translates public involvement material into Spanish, Hmong and Somali based on the presence of residents that speak these languages in the study area. The FEIS cannot include details of where these languages are spoken primarily because of the lack of definitive location data on where these languages are spoken as the primary language. The FEIS will include a summary of public engagement efforts to reach non-English speakers, including inviting community representatives to serve on project advisory committees, holding public meetings at locations that are close to target audiences and accessible by transit whenever possible, and taking steps to promote attendance such as holding meetings at a variety of times including weekends and evenings.

19. EPA recommends FTA update the FEIS to include any potential development in the Linden Yards area, including the diesel rail storage yard, whether any proposed projects could supersede the siting of the Van White station, and whether co-location could be an option, should the rail storage yard be pursued. While EPA understands that the future of the Linden Yards area, including possibly siting a diesel rail storage yard there, may not be settled, FTA should make an attempt to address community concerns that siting a diesel rail storage yard there could eliminate the siting of the Van White station, and/or other developments in communities anticipating the addition of transit accessibility.

FTA Response: The design and location of Van White Station has shifted since publication of the DEIS. The proposed light rail alignment and Van White Station will be northwest of Linden Yards and will not preclude the use of portions of the Linden Yards site for a rail storage or maintenance facility, nor will it preclude other development from occurring on that site.

Conversely, development of Linden Yards (or lack of development of Linden Yards) will not preclude the proposed light rail alignment and station, nor would that development cut off access to the proposed station. The current design for the Van White Station was included in Appendix G of the SDEIS and will be included in Appendix E of the FEIS.

Regarding a high speed rail layover facility, or a diesel rail storage facility, at Linden Yards, there are no adopted plans or funding for either of these facilities. The Council has confirmed with the Minnesota Department of Transportation, the authority for passenger rail in the state, that there are no plans for a rail storage facility at Linden Yards. Therefore, these facilities will not be evaluated in the cumulative impact assessment within the Final EIS, consistent with *Considering Cumulative Effects Under the National Environmental Policy Act* (Council on Environmental Quality [CEQ], 1997). Specifically, a potential high speed rail layover or maintenance facility is not included in the Cumulative Effects section of the FEIS as a reasonably foreseeable action because it is not included within any adopted plans nor is it funded; therefore, the use of the land as a potential rail storage yard facility is not noted as a “reasonably foreseeable” use. The MnDOT’s draft *Minnesota GO State Rail Plan*, which would note all rail and storage facilities within the state of Minnesota, does not include any future rail facility in Linden Yards. The City of Minneapolis has no current plans for the Linden Yards facility. The City of Minneapolis noted to Council that any future high speed or commuter rail layover facility will be many years in the future, and due to very poor soils and complexities of phasing, any future rail layover facility can only occur on distinct land parcel east of the two office towers closest to the Van White station on Linden Yards East, and a future rail facility cannot support vertical development. As such, the FEIS’s land use and other analyses are based on the City of Minneapolis’ applicable adopted land use plans, including the Bassett Creek Valley Master Plan (2007). That plan designates much of the Linden Yards site as mixed-use, commercial and other development, with some park land; the plan recognizes that the site’s current use is industrial.

Additionally, a potential high speed rail layover facility or a storage yard at Linden Yards is not included in the No Build Alternative because it is not included within an adopted plan nor is it a funded project.

Regarding the comment on the City of Minneapolis progress report from August 21, 2012 related to the Bassett Creek Valley – Linden Yards update, the studies referenced were completed. The Council has reviewed these materials and the Project has been designed in coordination with the studies and reports noted in the update. In summary, the plans for this location are not fully understood to be able to complete an evaluation in the Final EIS. Should plans become clearer during future stages of the SWLRT Project, FTA and Council staff will work with the project sponsor and surrounding communities.

20. EPA encourages FTA and the Council to work with Hennepin County, the communities and their representative groups, and city departments to ensure that residents who wish to stay in their neighborhoods continue to be able to afford to do so after the opening of the transit stations. This can be accomplished in many ways, including requiring residential developments to include affordable housing options as a percentage of total new units built in association with the new stations.

FTA Response: The Council is working in partnership with Hennepin County and the cities to implement the Southwest LRT Community Works Investment Framework which will serve as a guide for short- and long-term transit related policy and investments.³ Implementation of this

³ <http://www.swlrtccommunityworks.org/beyond-rails/planning-information/investment-framework>

framework could include policies to ensure new developments surrounding station areas include affordable housing options; however, neither the FTA nor the Council can directly influence the local jurisdictions to place inclusionary housing requirements for future development. The Council is also involved in the Southwest LRT Community Works housing inventory that assesses existing housing and housing gaps in the corridor as a whole and around stations.⁴ In addition, the Council was a recipient of HUD's Sustainable Communities Regional Planning Grant which produced a Fair Housing and Equity Assessment (FHEA) as part of the final deliverable for the grant. Using data provided by HUD and supplemental local data, the Council examined regional access to opportunity based on an analysis of the following components: segregated areas and areas of increasing diversity and/or racial/ethnic integration; racially and ethnically concentrated areas of poverty; access to existing areas of high opportunity; major public investments; fair housing issues, services, and activities. The FHEA provided a historical and cultural context for current fair housing challenges, and highlighted the legacy of land-use decisions, investments, and policies that may have limited or enhanced opportunity for different parts of the region.

Air Quality

21. EPA recommends FTA commit to specific measures in the ROD to reduce short-term construction impacts to air quality, including using ultra low-sulfur diesel fuel, retrofitting engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site, and position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, thereby reducing the exposure of personnel to concentrated fumes.

FTA Response: The FEIS will provide an updated evaluation of air quality and identified mitigation measures. The Project will incorporate the EPA recommended mitigation measures for construction activities into the FEIS and ROD, where applicable.

22. EPA recommends several editorial changes to the impacts presented in Chapter 10.

FTA Response: The EPA editorial changes on the DEIS will be addressed in development of exhibits for the FEIS.

Noise

23. EPA recommends the FEIS provide an understanding of freight engine and rail/wheel noise impacts to residences, schools, and other sensitive receptors located close to the tracks.

FTA Response: Since publication of the DEIS, the Council completed detailed noise and vibration analyses for sensitive receptors within the Project's study area. These receptors includes residences, businesses and parks along the LRT 3A-1 alignment and include impacts from freight rail operations (e.g., engine and rail/wheel noise). No schools are impacted with the LRT3A-1 alignment and freight rail co-location. The majority of noise impacts from the Project are due to LRT operations, including proximity to LRT tracks and at-grade crossings. At-grade crossings of freight rail also impact nearby sensitive receptors. The Project plans to mitigate noise impacts to sensitive receptors from at-grade LRT and freight rail crossing by designing and constructing these at-grade crossings to be compliant with FRA quiet zone regulations. The updated noise and vibration impact assessment for the Project and mitigation measures for impacts that meet FTA criteria will be included in the FEIS.

Historic and Cultural Resource Impacts

⁴ <http://www.swlrtccommunityworks.org/beyond-rails/planning-information/housing-inventory>

EPA Recommendation

24. EPA recommends the FEIS clarify how the historic and cultural resource impacts will be addressed in a Memorandum of Agreement between project sponsors and the SHPO.

FTA Response: FTA and the Council have implemented a comprehensive Section 106 consultation process with MnHPO, the USACE, and consulting parties for the Project. In November 2015, the FTA issued an Assessment of Effects report identifying the Project's effects to historic properties and a final Determination of Effect. Based on the findings of the report, the Project will have no adverse effect on 26 historic properties and an adverse effect on five properties. The report and determination of effect finding were developed through ongoing consultation with MnHPO and consulting parties. MnHPO reviewed the report and determination of effect in November and December 2015 and concurred with all of the findings.

A Memorandum of Agreement (MOA) will document measures the Project will implement to mitigate adverse effects on historic properties, as well as avoidance and minimization measures to avoid an adverse effect to several historic properties. The MOA is being developed through consultation with MnHPO and other consulting parties. The FEIS will have an "execution ready" final version of the Section 106 MOA in Appendix H, Section 106 Supporting Documents, and describe the adverse effects and mitigation in the Cultural Resources section of the FEIS. Section 3.5 The ROD will include the signed version of the MOA in the appendix.

Mitigation of Impacts

EPA Recommendation

25. EPA recommends the FEIS clarifies where and how impacts were avoided and minimized, and when unavoidable impacts remain, how they will be compensated for.

FTA Response: Measures to avoid and minimize impacts caused by the Project (i.e., LRT 3A-1) were addressed through the design adjustment process undertaken after the close of the public comment period on the DEIS. Comments received on the DEIS, as well as input from Project stakeholders were incorporated into the design adjustment process. Several of these design adjustments resulted in FTA's decision to publish the SDEIS. The design adjustment process undertaken since publication of the DEIS was described in Chapter 2 and Appendix F of the SDEIS and will be included in Chapter 2 of the FEIS. The current preliminary engineering plans for the Project, reflecting adjustments to avoid and minimize impacts, will be included in Appendix E of the FEIS. Further, the FEIS will include identified mitigation measures for adverse impacts caused by the Project. Avoidance, minimization and mitigation measures for impacts to environmental resources, transportation-related resources, Environmental Justice populations, and Section 4(f) properties will be identified in Chapters 3, 4, 5, and 6, respectively.

COMMENTS ON THE MAY 2015 SUPPLEMENTAL DRAFT EIS

FTA and the Council published the Supplemental Draft EIS in May 2015. As noted in your comment letter, the purpose of this document was to identify potential new adverse impacts from design adjustments made to the LPA and the location of freight rail within the corridor. Since the Supplemental Draft EIS was published, the Council adopted a revised project scope and cost estimate.⁵ These adjustments will be included in the FEIS and ROD.

Wetlands

EPA Recommendations

⁵ http://www.metrocouncil.org/Council-Meetings/Committees/Metropolitan-Council/2015/7-8-15/2015_156.aspx

1. EPA recommends FTA and the Council determine if alternatives to fill, such as elevated pedestrian boardwalks, are feasible to be used in delineated wetland areas. Alternatives to fill, particularly in these areas, should be discussed in the FEIS.

FTA Response: The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to ensure that all impacts to wetlands have been avoided and minimized to the greatest extent practicable, including elevating structures where feasible. This information was included in the CWA Section 404 permit application and will be located in Appendix D in the FEIS.

2. EPA recommends TPSS stations should be sited in upland (non-wetland) locations. As there is some flexibility in siting of TPSS stations, thoughtful design and planning may further reduce wetland impacts

FTA Response: TPSS SW-20 and SW-21 have been removed from the design as a part of the Project's revised scope (July 8, 2015). The current design alternative completely avoids the direct placement of a TPSS within a wetland. However, the required access road to the TPSS located near Opus Station will result in a small amount of unavoidable permanent impact to one wetland (Wetland ID MTA-MTA-07). The avoidance and minimization measures associated with this impact were included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS. The location of TPSS are illustrated in Appendix E in the FEIS.

3. EPA recommends that wetland impacts further minimized during final [OMF] site design.

FTA Response: The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to further minimize wetland impacts at the proposed Hopkins OMF location since the publication of the SDEIS. The design was modified to allow for a single interior loop track and to remove a permanent access road that was previously located within the wetland. Additional avoidance and minimization measures associated with this location were included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS.

4. EPA recommends the FEIS provide clarification on whether or not the new freight rail and trail corridors have been delineated. If not, a delineation should be performed and any additional wetland impacts added to impact summary tables. Updated information should be provided in the FEIS.

FTA Response: The Project has field delineated all wetlands for the Project including the existing freight rail and trail corridors, reflecting design adjustments incorporated into the Project. Specifically, per EPA's comment, the areas where freight rail would be located under LRT 3A-1, which includes the co-location of freight, were fully delineated. Additionally, the adjustments to all trails, including Cedar Lake Trail, have been fully delineated. Appendix E of the FEIS will include the preliminary engineering plans showing the proposed location of freight rail and trails under LRT 3A-1. Additionally, the FEIS will include an exhibit showing the location of impacted wetlands and a discussion of the wetland study area that was documented in the *Wetland Investigation Report*⁶, the *2014 Supplemental Wetland Investigation Report*⁷ and the *2015 Supplemental Wetland Investigation Report*, each of which will be included in Appendix C

⁶ Anderson Engineering of Minnesota, LLC, 2013. <http://www.metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Publications-And-Resources/Environmental-Documents/SDEIS/Supporting/Anderson-Engineering-2013.aspx>

⁷ Anderson Engineering of Minnesota, LLC, 2014. <http://www.metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Publications-And-Resources/Environmental-Documents/SDEIS/Supporting/Anderson-Engineering-2014.aspx>

in the FEIS. Lastly, the full delineation of wetlands for the Project is included in the CWA Section permit application, which will be included in Appendix D of the FEIS.

Stormwater and Construction Staging

EPA Recommendations

5. EPA recommends all stormwater BMPs and detention areas be built and located outside of natural wetlands and streams, existing natural wetlands not be used as primary detention facilities, and any treated stormwater discharged to natural wetlands should not cause a change of existing use of the wetland. Also, green stormwater technologies should be utilized throughout the project, where feasible. The FEIS should include figures and project plans detailing stormwater basin locations, and ensure that no stormwater/sedimentation/erosion control measures are proposed to be constructed in wetlands or other Waters of the U.S. This should be clearly stated and supported in all figures provided with the FEIS.

FTA Response: The current design alternative completely avoids the placement of stormwater BMPs or detention areas within natural wetlands and streams. The Water Resources section of the FEIS will include a discussion on the placement of stormwater BMPs and exhibits identifying locations of all wetland and floodplain impacts. The Project evaluated a wide array of stormwater BMP technologies as a part of the design process. Details regarding the stormwater BMPs associated with the current design alternative have been documented in a Water Quality Technical Report, which will be included in an appendix to the FEIS. The Project's 90 percent design plans include the location of all stormwater BMPs or detention basins. A link to the 90 percent design plans will be included in Appendix C, Supporting Documents and Technical Reports (Incorporated by Reference), in the FEIS. The 90 percent design plans will also be referenced in Appendix E, Preliminary Engineering Plans, with instructions to see Appendix C for a link to the 90 percent design plans. The Preliminary Engineering Plans and the 90 percent design plans are consistent relative to the characteristics of the Project that will result in environmental impacts described in the FEIS (e.g., the Project's limits of disturbance).

6. EPA recommends the FEIS include proposed construction measures, including a discussion of staging areas and their locations, access to worksite(s), and detailed discussion on any proposed in-stream construction. EPA recommends that equipment not work actively from within any stream, and that dewatering measures such as temporary portable dams or cofferdams be installed to isolate stream flow from any active work areas. Temporary impacts to wetlands and other Waters of the U.S. should be first avoided, then minimized. Any unavoidable temporary impacts to wetlands and other Waters of the U.S. should be included in the calculation of impacts and mitigation

FTA Response: Construction staging areas are planned to be contained within the Project's identified limits of disturbance, which will be included in the FEIS. Specific staging area locations will be identified by the construction contractor prior to construction and in accordance with guidance and specifications provided by the Council. The Project has coordinated with the U.S. Army Corps of Engineers and Local Government Units to ensure that all temporary wetland impacts are avoided and minimized to the greatest practicable extent, including avoiding in-stream construction. The FEIS will include a discussion of unavoidable temporary impacts due to construction staging, groundwater pumping, and cofferdam installation. Additional details regarding these activities, including mitigation requirements, have been included in the CWA Section 404 permit application, which will be included in Appendix D in the FEIS.

Well head Protection – Drinking Water Supply

EPA Recommendation

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7. EPA recommends the FEIS disclose how construction and operation of the LPA could meet the provisions of the Wellhead Protection Plan [in Eden Prairie].

FTA Response: The Wellhead Protection Plans (WHPPs) include the Wellhead Protection Area and the Drinking Water Supply Management Area. The location of the Drinking Water Supply Management Areas and Wellhead Protection Areas along the LRT alignment will be included in the Final EIS. Before beginning construction of the Project, the Council will coordinate with the host cities to confirm that constructing and operating the Project will meet the provisions of the individual WHPPs and the Source Water Protection Plan.

Acronyms and Abbreviations

EPA Recommendation

8. EPA recommends to include TPSS in the Acronyms and Abbreviations list.

FTA Response: TPSS will be added to the list of acronyms and abbreviations in the FEIS.

COMMENTS ON THE JANUARY 2016 AMENDED DRAFT SECTION 4(F) EVALUATION

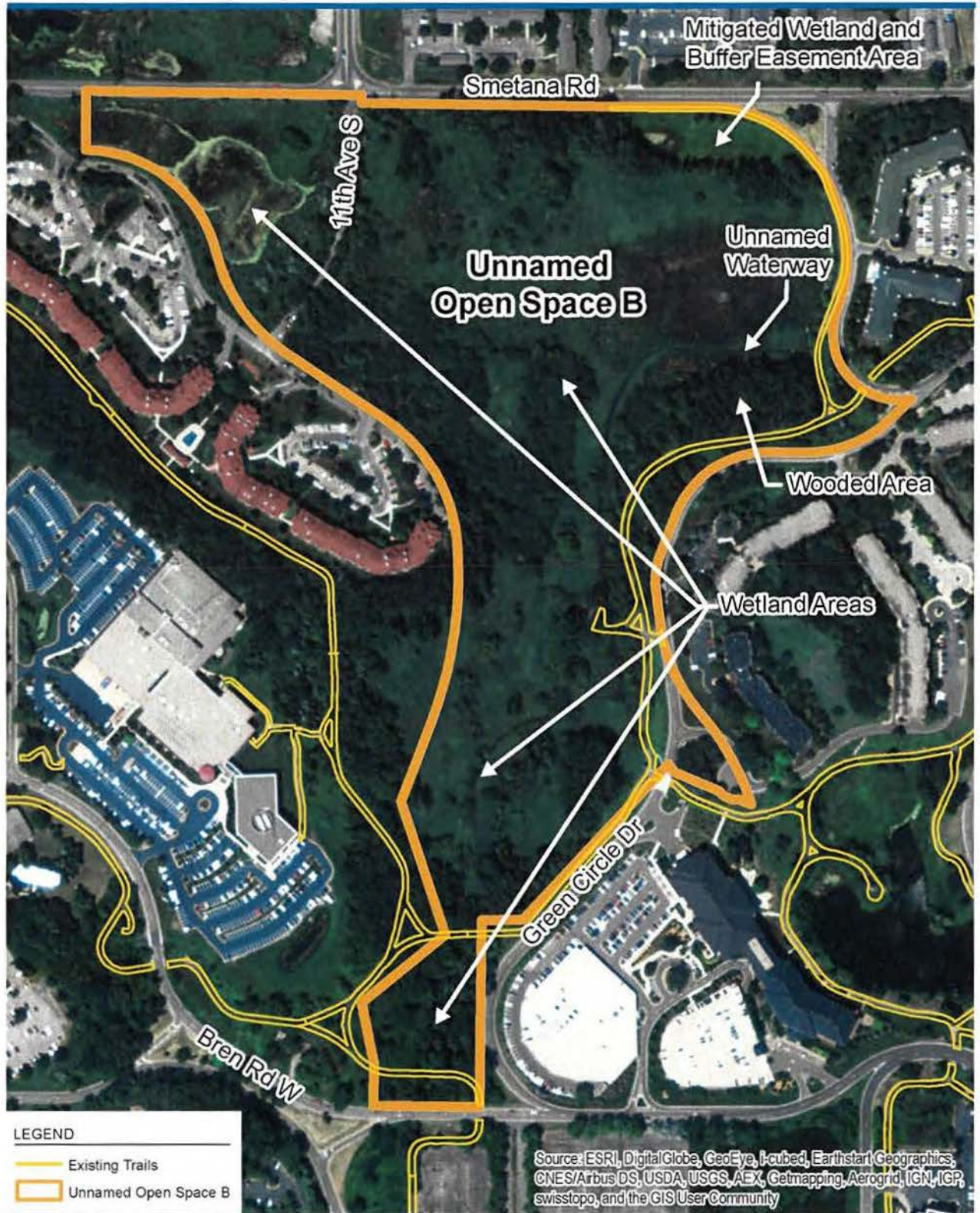
FTA and the Council published an Amended Draft Section 4(f) Evaluation in January 2016. As noted in your comment letter, the purpose of this document was to identify preliminary Section 4(f) de minimis impact determination for two Section 4(f) properties in Minnetonka. These Final Section 4(f) Evaluation will be included in the FEIS and the Final Section 4(f) Finding in the ROD.

EPA Recommendation

1. Identify the locations and boundaries of all wetlands and stream/drainage ways in document figures, include the Unnamed Open Space B wetland restoration area mentioned by City of Minnetonka staff in the January 5, 2016, meeting notes found in Appendix B of the Amended Evaluation.

FTA Response: The exhibits for Unnamed Open Space B will be included in the Final Section 4(f) Evaluation included as Chapter 6 of the FEIS. These will illustrate the location of wetlands, including the mitigation area and stream/drainage ways (see Exhibits 5 and 6 below). The city provided an update that no portion of the wetlands have been restored.

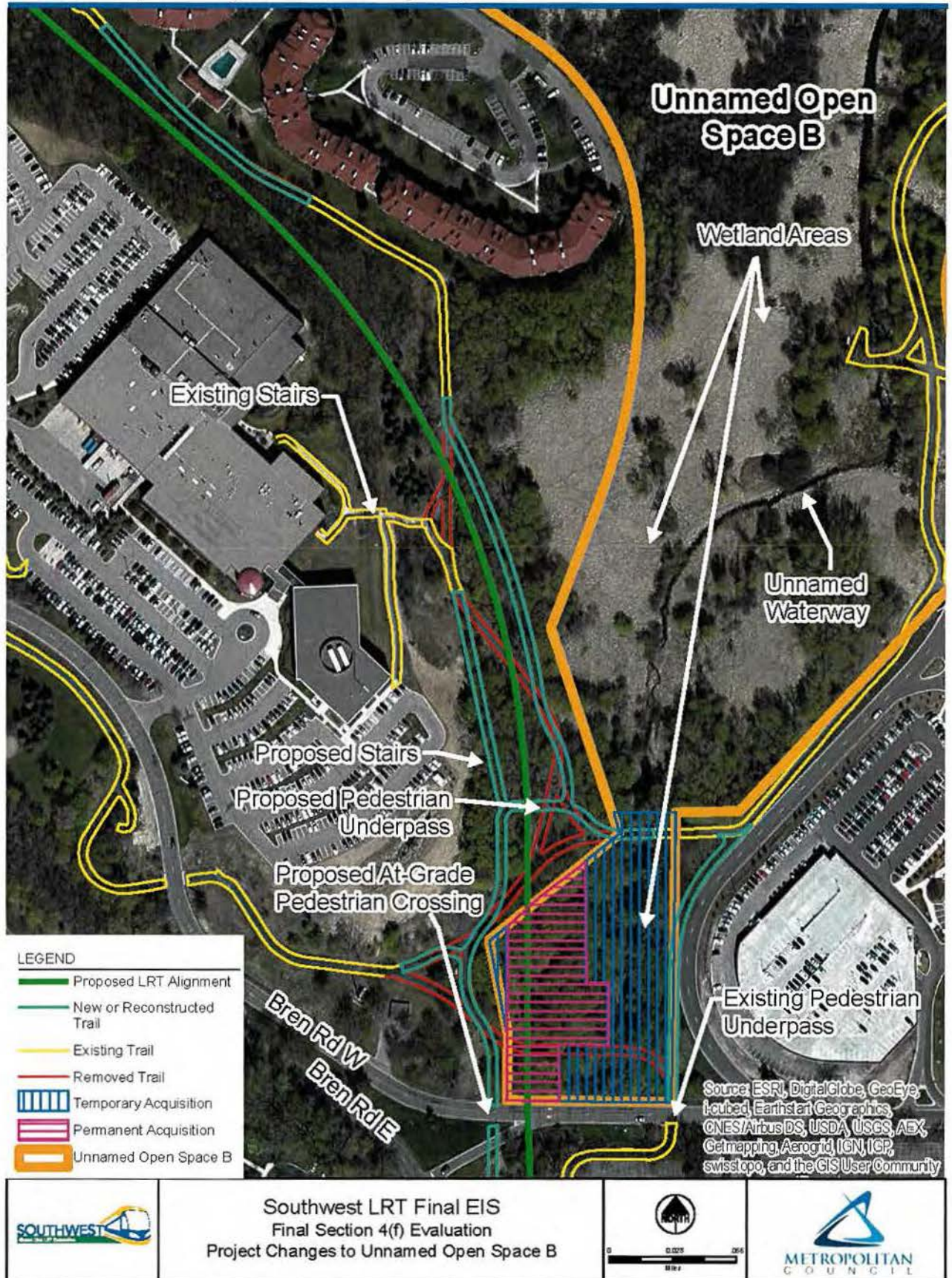
Exhibit 5. Unnamed Open Space B Boundary and Features



Southwest LRT Final EIS
Final Section 4(f) Evaluation
Unnamed Open Space B Boundary and Features



Exhibit 6. Project Changes to Unnamed Open Space B



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2. Identify other alternative locations located outside Unnamed Open Space B considered for the traction power substation (TPSS) and the double crossover bungalow (DCB) and provide the reason/s for their elimination from further consideration. For example, could either the TPSS or the DCB be located 1) south of Bren Road West within the proposed Park and Ride area for the Opus Station and/or 2) just west of the proposed transit line route and Red Circle Drive within the area delimited as "full property acquisition" on Figure 7 in Appendix A of the Amended Evaluation?

FTA Response: A discussion identifying the locations located outside Unnamed Open Space B that were considered for the TPSS and the DCB and the reasons for their elimination from further study will be included in Chapter 6 of the FEIS (i.e., the Final Section 4(f) Evaluation). This discussion will describe three alternate sites that were developed and evaluated in consultation with the City of Minnetonka. The alternate sites were directly south and west of Unnamed Open Space B. In summary, depending on the particular site, the alternate sites were dismissed from further consideration because of a combination of the following: 1) conflicts with sanitary sewer, water and/or stormwater mains; 2) private property acquisitions; 3) conflicts with existing trails; 4) conflicts with sight lines between roadways and the proposed station area; and 5) conflicts with existing and planned parking facilities.

We hope this additional information is useful and provides background information for how EPAs recommendations were responded to in the SDEIS and will be responded to in the Project's FEIS. The FEIS and Record of Decision documents are anticipated to be published by summer 2016. If you require additional assistance, please contact Maya Sarna at (202) 366-5811 (Maya.Sarna@dot.gov) or Reginald Arkell at (312) 886-3704 (Reginald.Arkell@dot.gov). Thank you for your coordination on this important regional project.

Sincerely,



Marisol R. Simon
Regional Administrator

cc: Maya Sarna, FTA HQ
Reginald Arkell, FTA Region V
Mark Fuhrmann, Program Director, Metropolitan Council, Southwest LRT Project
Craig Lamothe, Project Director, Metropolitan Council, Southwest LRT Project
Nani Jacobson, Assistant Director, Environmental and Agreements, Metropolitan Council, Southwest LRT Project